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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/568,371

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Erwin Meinders

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

GOOD JOHNSON, MOTILEWA

ART UNIT

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2628

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/568,371	Applicant(s) MEINDERS, ERWIN	
	Examiner M GOOD JOHNSON	Art Unit 2628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 October 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 and 19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16, 19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-16 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 1-15 are directed to a visual content signal display apparatus, which would typically fall under the statutory category of a machine. However the apparatus as recited disclose a process of receiving, presenting, extracting, generating and display, and therefore is interpreted as software, i.e. a process and not as a machine. Claim 16 is a method claim which falls under the statutory category of a process, and when the claims recite a series of steps or acts to be performed, a statutory "process" under 35 U.S.C. 101 must (1) be tied to another statutory category (such as a particular apparatus), or (2) transform underlying subject matter (such as an article or material) to a different state or thing (Reference the May 15, 2008 memorandum issued by Deputy Commissioner for Patent Examining Policy, John J. Love, titled "Clarification of 'Processes' under 35 U.S.C. 101"). The instant claims neither transform underlying subject matter nor positively tie to another statutory category that accomplishes the claimed method steps, and therefore do not qualify as a statutory process.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-6, 9-14, 16 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baudisch, U.S. Patent Publication 2002/0167531 in view of Taniguchi et al., U.S. Patent Number 6,445,365 B1.

Regarding claim 1, Baudisch discloses a visual content signal display apparatus comprising: means for receiving a visual content signal (col. 6, lines 15-18, graphical data communication channels 205 and user input channels 245 allow data to be transferred between the imaging system and display units, which Examiner interprets as means for receiving visual content); means for presenting the visual content signal on a primary display, (240, image processor); means for extracting content information from the visual content signal (280, image fork); means for generating an image in response to the content information (255, image processors); and means for displaying the image on a secondary display area thereby providing a combined display having an increased viewing angle (110, larger display).

However, it is noted that Baudisch fails to disclose background content information from the visual content signal and generating a surround image in response to the background content information.

Taniguchi discloses displaying an enlarged image of a first and second image and further discloses extracting from a video signal a foreground image and a background image to be displayed on a foreground screen and a background screen, col. 13, lines 1-41.

It would have been obvious to one of ordinary skill in the art at the time of the invention to include in the multiple display system as disclosed by Baudisch, the video signal image extracting a foreground and background image to be displayed on the multiple display screens as disclosed by Taniguchi, to display depth in a display and wide angel viewing without restrictions.

Regarding claim 2, Baudisch discloses the means for displaying the image is operable to project the image on to an external surface of an object (figure 16).

Regarding claim 3, Baudisch discloses the external surface is an internal surface of a room (col. 17, lines 29-30).

Regarding claim 4, Baudisch discloses the means for extracting is operable to extract real time information from the visual content signal, and the means for generating the image is operable to generate a real time image in response to the real time information (paragraph 0025).

Regarding claim 5, Taniguchi discloses the means for extracting is operable to extract the background content information in response to background meta-data comprised in the visual content signal (col. 11, lines 4-7, background image generated on the basis of data necessary for image information generation)

Regarding claim 6, Taniguchi discloses the means for extracting is operable to extract the background content information in response to a content analysis of the visual content signal (figures 13A-13C).

Regarding claim 9, Taniguchi discloses a visual characteristic of an image section of the visual content signal proximal to an edge of the primary display; the means for generating the surround image is operable to generate at least a partial surround image having a corresponding visual characteristic; and the means for displaying the surround image is operable to display the partial surround image proximal to the edge (figure col. 12, lines 8-35).

Regarding claim 10, Taniguchi discloses the means for generating a surround image is operable to generate the surround image in response to a predetermined image associated with the background content information (col. 13, lines 42-57, the portion of the image not detected as the foreground image is generated with a black background signal).

Regarding claim 11, Taniguchi discloses the means for generating the surround image is operable to generate the surround image in response to a predetermined default image if no valid background content information is determined (col. 13, lines 55-57).

Regarding claim 12, Baudisch discloses the means (109) for generating the image is operable to generate an image at a lower quality than a quality of the display of the content signal on the primary display (col. 5, lines 49-50).

Regarding claim 13, Taniguchi discloses the means for generating the surround image is operable to generate the surround image with a quality that decreases for increasing distance from the primary display (col. 7, lines 25-59).

Regarding claim 14, Baudisch discloses the means for generating the image is operable to generate the image in response to characteristics of a viewing environment associated with the secondary display area (calibration of display units, paragraphs 0065-0070).

Regarding claims 16 and 19, they are rejected based upon similar rational as above claim 1.

4. Claims 7, 8 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baudisch in view of Taniguchi as applied to claim 1 above, and further in view of Witehira.

Regarding claim 7, however it is noted that both Baudisch and Taniguchi fail to disclose content analysis comprising image object recognition.

Witehira discloses the content analysis comprises image object recognition (col. 6, lines 1-4, extracting the car and mountain).

It would have been obvious to one of ordinary skill in the art at the time of the invention to include in the increase display as disclosed by Baudisch, the background and foreground image extraction as disclosed by Taniguchi to provide an increased display for a wide viewing of an image. It further would have been obvious to include the object recognition as disclosed by Witehira to provide specific important focus objects in the increased display area for a user to gaze upon.

Regarding claim 8, Witehira discloses the means for generating a surround image is operable to perform motion estimation of an image object and to generate the surround image in response to the motion estimation (col. 5, lines 55-63).

Regarding claim 15, Witehira discloses means for determining a category of the visual content signal and wherein the means for generating the surround image is operable to generate the surround image processing in response to the category (video

image signal is converted to represent pixel properties such as pixel color, pixel location and pixel motion).

Response to Arguments

5. Applicant's arguments, see pages 7-8, filed 10/24/08, with respect to the rejection(s) of claim(s) 1-18 under 103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Taniguchi.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to M GOOD JOHNSON whose telephone number is (571)272-7658. The examiner can normally be reached on Monday-Friday 8-4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kee Tung can be reached on (571) 272-7794. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Motilewa Good-Johnson/
Primary Examiner
Art Unit 2628